

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**KENNETH RAY PITTS
ADC #85938**

PETITIONER

vs

CASE NO. 5:13CR00173 BSM

**RAY HOBBS, Director,
Arkansas Department of Correction**

RESPONDENT

ORDER

The proposed findings and recommendations from United States Magistrate Judge H. David Young and the filed objections have been received. After careful review of the findings and recommendations and the objections, as well as a *de novo* review of the record, it is concluded that the findings and recommendations should be and hereby are approved and adopted in their entirety in all respects.

Accordingly, the proposed findings and recommendations [Doc. No. 19] are adopted and Pitts's petition is dismissed. The motion to dismiss by Hobbs [Doc. No. 10] is granted and the motion for order [Doc. No. 18] filed by Pitts is denied. In accordance with Rule 11(a) of the Rules Governing Section 2254 cases in the United States District Courts, a certificate of appealability is also denied.

An appropriate judgment shall accompany this order.

IT IS SO ORDERED this 29th day of July 2013.



UNITED STATES DISTRICT JUDGE